## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

No. 0:18-cv-01776-JRT-JFD

This Document Relates To: All Actions

# DEFENDANTS' MOTION TO CERTIFY ORDER FOR INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)

Defendants Agri Stats, Inc., Clemens Food Group, LLC, The Clemens Family Corporation, JBS USA Food Company, Seaboard Foods LLC, Seaboard Corporation, Smithfield Foods LLC, Triumph Foods, LLC, Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (collectively, "Defendants") move the Court to amend and certify for interlocutory appeal under 28 U.S.C. § 1292(b) its April 28, 2025 Amended Memorandum Opinion and Order, ECF No. 2955.

Interlocutory appeal is proper for the reasons set forth in Defendants'

Memorandum of Law in Support of their Motion.

Date: April 29, 2025

### **JONES DAY**

### /s/ Peter J. Schwingler

Peter J. Schwingler (#0388909) 90 South Seventh Street, Suite 4950 Minneapolis, MN 55402 (612) 217-8800 pschwingler@jonesday.com

### STINSON LLP

William L. Greene (#0198730)
William D. Thomson (#0396743)
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
(612) 335-1500
william.greene@stinson.com
william.thomson@stinson.com

J. Nicci Warr (pro hac vice) 7700 Forsyth Blvd., Suite 1100 St. Louis, MO 63105 (314) 863-0800 nicci.warr@stinson.com

Counsel for Seaboard Foods LLC

## LARKIN HOFFMAN DALY & LINDGREN LTD.

### /s/ Brian Robison

John A. Cotter (#0134296) John A. Kvinge (#0392303) 8300 Norman Center Drive, Suite 1000 Minneapolis, MN 55427-1060 (952) 835-3800 jcotter@larkinhoffman.com jkvinge@larkinhoffman.com Respectfully submitted,

### AXINN, VELTROP & HARKRIDER LLP

### /s/ Tiffany Rider Rohrbaugh

Tiffany Rider Rohrbaugh (pro hac vice) Lindsey Strang Aberg (pro hac vice) 1901 L Street NW Washington, DC 20036 (202) 912-4700 trider@axinn.com lstrang@axinn.com

Denise L. Plunkett (pro hac vice) 630 Fifth Avenue, 33rd Floor New York, NY 10111 (212) 728-2200 dplunkett@axinn.com

Jarod Taylor (pro hac vice) 90 State House Square Hartford, CT 06103 (860) 275-8100 jtaylor@axinn.com

## TAFT STETTINIUS & HOLLISTER LLP

Scott M. Rusert (#0231113)
A. Christopher Brown (#0403283)
SRusert@taftlaw.com
CBrown@taftlaw.com
2200 IDS Center 80 South 8th Street
Minneapolis, MN 55402-2210
(612) 977-8400

Counsel for Tyson Foods, Inc.; Tyson Fresh Meats, Inc.; and Tyson Prepared Foods, Inc.

#### MILBANK LLP

Richard Parker (pro hac vice) 1850 K St. NW Washington, DC 20006 (202) 835-7530 rparker@milbank.com

### GIBSON, DUNN & CRUTCHER, LLP

Josh Lipton (pro hac vice) 1700 M Street, NW Washington, D.C. 20036-4504 (202) 955-8500 jlipton@gibsondunn.com

### **BROWN FOX PLLC**

Brian Robison (pro hac vice) 6303 Cowboys Way, Suite 450 Frisco, TX 75034 (972) 707-1809 brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc.

#### SPENCER FANE LLP

/s/ Donald G. Heeman
Donald G. Heeman (#0286023)
Randi J. Winter (#0391354)
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402-4206
(612) 268-7000
dheeman@spencerfane.com
rwinter@spencerfane.com

# QUINN EMANUEL URQUHART & SULLIVAN, LLP

Sami H. Rashid (*pro hac vice*) Michael B. Carlinsky (*pro hac vice*)

### KIRKLAND & ELLIS LLP

/s/ Daniel E. Laytin, P.C.

Daniel Laytin, P.C. (pro hac vice)
Christa Cottrell, P.C. (pro hac vice)
Jenna M. Stupar (pro hac vice)
Amarto Bhattacharyya (pro hac vice)
Nicholas M. Ruge (pro hac vice)
333 West Wolf Point Plaza
Chicago, IL 60654
(312) 862-2000
daniel.laytin@kirkland.com
christa.cottrell@kirkland.com
jenna.stupar@kirkland.com
amarto.bhattacharyya@kirkland.com
nicholas.ruge@kirkland.com

Counsel for Clemens Food Group, LLC and The Clemens Family Corporation

### HOGAN LOVELLS US LLP

/s/ Justin W. Bernick
Peter H. Walsh (#0388672)
80 South Eighth Street, Suite 1225
Minneapolis, MN 55402
(612) 402-3000
peter.walsh@hoganlovells.com
William L. Monts (pro hac vice)
Justin W. Bernick (pro hac vice)
555 Thirteenth Street, NW
Washington, D.C. 20004
(202) 637-5600
william.monts@hoganlovells.com
justin.bernick@hoganlovells.com

Counsel for Agri Stats, Inc.

David B. Adler (pro hac vice)
Heather Christenson (pro hac vice)
Allison Silber (pro hac vice)
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
samirashid@quinnemanuel.com
michaelcarlinsky@quinnemanuel.com
davidadler@quinnemanuel.com
heatherchristenson@quinnemanuel.com
allisonsilber@quinnemanuel.com

Michael D. Bonanno (pro hac vice) Christopher G. Michel (pro hac vice) 1300 I Street NW, Suite 900 Washington, D.C. 20005 Telephone: (202) 538-8000 Facsimile: (202) 538-8100 mikebonanno@quinnemanuel.com christophermichel@quinnemanuel.com

Counsel for JBS USA Food Company

### HUSCH BLACKWELL LLP

/s/ Christopher A. Smith Aaron Chapin (#0386606) Christopher A. Smith (pro hac vice) Tessa K. Jacob (pro hac vice) A. James Spung (pro hac vice) Jason Husgen (pro hac vice) Sarah L. Zimmerman (MDL registered) Kate Ledden (MDL registered) Tanner Cook (MDL registered) 8001 Forsyth Blvd., Ste. 1500 St. Louis, MO 63105 Telephone: (314) 480-1500 aaron.chapin@huschblackwell.com chris.smith@huschblackwell.com tessa.jacob@huschblackwell.com james.spung@huschblackwell.com jason.husgen@huschblackwell.com sarah.zimmerman@huschblackwell.com kate.ledden@huschblackwell.com tanner.cook@huschblackwell.com

Counsel for Triumph Foods, LLC